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Attorneys for Plaintiffs:  
**CARLOS TOWNS,**  
**BARSHA KNOX** as Guardian *ad Litem* for Minor “CT2”

**UNITED STATES DISTRICT COURT**  
**IN AND FOR THE CENTRAL DISTRICT OF CALIFORNIA**

**CARLOS TOWNS,**  
**BARSHA KNOX** as Guardian *ad*  
*Litem* for Minor “CT2”

Plaintiffs,

vs.

**COUNTY OF LOS ANGELES,**  
**LASD DEP. CLARISSA**  
**PRENTICE, LASD DEP.**  
**ELIEZER MORALES, SHERIFF**  
**ROBERT LUNA, (FMR.)**  
**SHERIFF ALEX VILLANUEVA,**  
individually and in their official  
capacities and DOES 1-10 inclusive,

Defendants..

**Case No.: 2:23-cv-1635**

**COMPLAINT FOR DAMAGES**

- 1. EXCESSIVE FORCE /**  
**CRUEL & UNUSUAL PUNISHMENT**  
(Per 42 U.S.C. § 1983)
- 2. SUBSTANTIVE DUE PROCESS**  
(Per 42 U.S.C. § 1983)
- 3. *MONELL* ALLEGATIONS**  
(Per 42 U.S.C. § 1983)
- 4. CONSPIRACY**  
(Per 42 U.S.C. § 1985)
- 5. WRONGFUL DEATH/ BATTERY**
- 6. NEGLIGENCE/ WRONGFUL**  
**DEATH**
- 7. *BANE* CIVIL RIGHTS ACT**  
(CA. Civil Code § 52.1)
- 8. TORTS-IN-ESSENCE**

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1 Plaintiffs allege:

2 **INTRODUCTION.**

3 1. This civil rights action seeks compensatory and punitive damages  
4 from Defendants for violating various civil rights under the United States  
5 Constitution and state law in connection with the fatal use force on the decedent,  
6 **CHARLES TOWNS.**

7 **PARTIES**

8 2. **CARLOS TOWNS** is the natural son of **CHARLES TOWNS** (and  
9 **BARHSA KNOX**) and sues as successor-in-interest pursuant to California Civil  
10 Code § 377.32.

11 3. “**CT2**” is a 17-year old Minor and the natural son of the Decedent,  
12 **CHARLES TOWN and BARSHA KNOX. BARSHA KNOX** sues on her son’s  
13 behalf as Guardian *ad Litem* and as successor-in-interest pursuant to California  
14 Civil Code § 377.32.

15 4. At all relevant times, **CHARLES TOWNS** (“**DECEDENT**”), a Black  
16 man, was an individual residing in the County of Los Angeles, California.

17 5. Defendant, **CLARISSA PRENTICE**, at all relevant times was and is  
18 a sworn peace officer and deputy at the **LOS ANGELES SHERIFF'S**  
19 **DEPARTMENT. PRENTICE** was acting under color of law within the course  
20 and scope of her duties as a deputy for the Los Angeles Sheriff's Department  
21 (“**LASD**”) with the complete authority and ratification of her principal, the  
22 Defendant **COUNTY**, when she shot and killed **CHARLES TOWNS.**

23 6. Defendant, **ELIEZER MORALES**, at all relevant times was and is a  
24 sworn peace officer and deputy at the **LOS ANGELES SHERIFF'S**  
25 **DEPARTMENT. MORALES** was acting under color of law within the course  
26 and scope of his duties as a deputy for the Los Angeles Sheriff's Department  
27 (“**LASD**”) with the complete authority and ratification of his principal, the  
28 Defendant **COUNTY**, when he shot and killed **CHARLES TOWNS.**

1           7. Defendant, **SHERIFF ROBERT LUNA**, at all relevant times, was  
2 and is a sworn peace officer, supervisor and ultimate policymaker at the "**LASD**".

3           8. Defendant, Former **SHERIFF ALEX VILLANUEVA**, at all relevant  
4 times, was a sworn peace officer, former policymaker at the "**LASD**" who  
5 engaged in the cover-up of known deputy gangs where initiations included but was  
6 not limited to executions by deputies thereby allowing deputy gangs to thrive.

7           9. At all relevant times, Defendant **COUNTY OF LOS ANGELES**  
8 ("**COUNTY**") is and was a duly organized public entity, form unknown, existing  
9 under the laws of the State of California. At all relevant times, COUNTY was the  
10 employer of Defendants and DOES who were police officers, and DOES 1-10 who  
11 were police officer and supervisorial officers, and who were managerial,  
12 supervisorial, and policymaking employees of the COUNTY sheriff's department.

13           10. At all relevant times, DOES 1-10 were duly authorized employees and  
14 agents of COUNTY, who were acting under color of law within the course and  
15 scope of their respective duties as police officers and with the complete authority  
16 and ratification of their principal, Defendant COUNTY or were firefighters with  
17 the complete authority and ratification of their principal, Defendant COUNTY.

18           11. At all relevant times, Defendants and DOES 1-10 were duly appointed  
19 officers and/or employees or agents of the COUNTY, subject to oversight and  
20 supervision by COUNTY's elected and non- elected officials.

21           12. In doing the acts and failing and omitting to act as hereinafter  
22 described, Defendants were acting on the implied and actual permission and  
23 consent of COUNTY.

24           13. At all times mentioned herein, each and every COUNTY defendant  
25 was the agent COUNTY defendant and had the legal duty to oversee and supervise  
26 the hiring, conduct and employment of each and every COUNTY defendant.

27           14. The true names of defendants DOES 1 through 10, inclusive, are  
28 unknown to Plaintiffs, who therefore sue these defendants by such fictitious names.

1 Plaintiffs will seek leave to amend this complaint to show the true names and  
2 capacities of these defendants when they have been ascertained. Each of the  
3 fictitious named defendants is responsible in some manner for the conduct and  
4 liabilities alleged herein.

5 15. Plaintiffs filed a comprehensive and timely claims for damages with  
6 COUNTY pursuant to applicable sections of the California Government Code and  
7 supplemented thereafter.

8  
9 **JURISDICTION AND VENUE**

10 16. This civil action is brought for the redress of alleged deprivations of  
11 constitutional rights as protected by 42 U.S.C. §§ 1983, 1985, 1986, 1988, and the  
12 Fourth and Fourteenth Amendments of the United States Constitution. Jurisdiction  
13 is founded on 28 U.S.C. §§ 1331, 1343, and 1367.

14 17. Venue is proper in this Court under 28 U.S.C. § 1391(b), because  
15 Defendants reside in, and all incidents, events, and occurrences giving rise to this  
16 action occurred in, the County of Los Angeles, California.

17 ///

18 ///

19 ///

## **STATEMENT OF FACTS**

18. On January 22, 2023, multiple Los Angeles County Sheriff's deputies responded to the area of Woodbury and Fair Oaks in Altadena for a report of a male threatening people with a metal object. The deputies located Charles Towns as he crossed the street at the intersection, but for some reason failed to immediately contact him. Mr. Towns was clearly mentally unavailable and should have been immediately detained. For unknown reasons, multiple deputies just allowed Mr. Towns to walk an entire block from the gas station into a residential area where an older couple was located. When Mr. Towns reached the midpoint in the block he encountered a male who seemed to be using his cell phone and unaware of the fact that Mr. Towns was standing directly next to him. Mr. Towns did not attempt to strike, stab or injure him in anyway and the man eventually ran off. **Still the deputies allowed Mr. Towns to continue walking unfettered towards unsuspecting citizens in the next residential block.**

Instead, they watched Mr. Towns engage in a physical encounter with an elderly female. Defendant MORALES opened fire on him causing Mr. Towns to fall and drop the scissors. The Defendant deputies had multiple opportunities to physically cut off Mr. Towns' the path of travel and establish a perimeter.

Defendant **PRENTICE**'s body-cam video shows a literal smoking gun shot from her after she exited her vehicle and entered a crossfire from above and behind Mr. Towns who was on the ground and already disarmed from Defendant MORALES' first shot.

Nevertheless but **PRENTICE** still shoots towards her fellow deputies and hits Mr. Towns with gunfire from this reckless crossfire. A preliminary autopsy summary indicates that a bullet penetrated Mr. Towns abdomen area from top to bottom, travelled just underneath his skin and exited his groin. This is believed to have come from **Defendant Deputy PRENTICE**'s bullet as she is seen to have shot from over Mr. Town's head, top to bottom.

1 Mr. Town's was ordered by Defendant Deputy MORALES "not to move"  
 2 **while he was actively being shot from multiple angles.** When Mr. Towns  
 3 moved out of sheer reaction to being hit with deadly fire, he was punished by  
 4 Deputy MORALES who resumed shooting. **Defendant Deputy PRENTICE** then  
 5 came out of the crossfire, around the police unit and continued shooting Mr. Towns  
 6 at near point blank range even after he fell to the ground again. Defendant Deputy  
 7 **MORALES** literally had to push her gun down to stop her from shooting more.  
 8 Both Defendant deputies shot Mr. TOWN's although his empty hands were clearly  
 9 visible on both body-cam footages. Both Deputies executed him.

10 Pursuant to California Assembly Bill 1506 (AB 1506), the California  
 11 Department of Justice is required to investigate all incidents of an officer-involved  
 12 shooting resulting in the death of an unarmed civilian in the state. The Department  
 13 of Justice ("DOJ") will investigate & review for potential criminal liability.  
 14 Defendant Sheriff LUNA **failed to notify** the Department of Justice for full two  
 15 days but was then completely untruthful in his Press Release which stated that the  
 16 DOJ was notified and responded to the scene. The DOJ was not notified for a full  
 17 TWO days in complete violation of AB 1506 which requires **immediate**  
 18 notification when the law enforcement agency has an incident of an officer-  
 19 involved shooting resulting in the death of an unarmed civilian. Even if Defendant  
 20 LUNA believed that Mr. Towns was armed but then disarmed he was still required  
 21 to notify the DOJ.

22  
 23 19. **The LASD written version:**

24 LASD Deputy-Involved Shooting (DIS) in the 2100 block of El  
 25 Sereno Avenue, Altadena (Unincorporated).

26 The following information is based on facts determined from an  
 27 investigation into the incident described. The investigation is ongoing, and  
 28 as witnesses are interviewed, evidence is analyzed, and reports are reviewed,  
 our understanding of the facts may change. The details described below  
 accurately reflect the facts as we currently know them.

1 On January 22, 2023, at approximately 5:14 PM, deputies assigned to the  
2 Altadena Sheriff's Station responded to a call at a gas station on the corner  
3 of Fair Oaks Avenue and Woodbury Road. The call was regarding a male  
4 chasing and attempting to stab people with a sharp metal object. The male  
5 was later identified as 47-year-old Charles Towns.

6 When deputies arrived at the location, they saw Towns walking south across  
7 Woodbury Avenue. The deputies followed Towns in their patrol vehicles as  
8 he walked west on Woodbury Road along the south sidewalk. One of the  
9 pursuing deputies exited his patrol vehicle and ordered Towns to stop and  
10 drop his weapon. Towns did not comply and continued to walk south onto  
11 the 2100 block of El Sereno Avenue, where they witnessed him stab an  
12 elderly female in her face. Towns, while still armed with the sharp object,  
13 was actively attempting to stab another person, at which time a deputy-  
14 involved shooting occurred. Towns fell to the ground, got up, and advanced  
15 toward deputy personnel as the deputy-involved shooting continued. Towns  
16 collapsed at the apron of the driveway, approximately 10 to 12 feet from  
17 where he initially fell.

18 Towns sustained gunshot wounds to his torso. Deputies rendered first aid to  
19 Towns until the Los Angeles County Fire Department paramedics arrived.  
20 He was pronounced dead at the scene.

21 There were two civilians injured from stabbing /cutting injuries in this  
22 incident. The sharp object, later determined to be scissors, was recovered  
23 from the ground in the area where the male originally fell.

24 Following notification by local authorities, the California Department of  
25 Justice's California Police Shooting Investigation Team deployed to the  
26 incident scene. Alongside other law enforcement partners, the California  
27 Department of Justice is investigating. Once the investigation has been  
28 completed, it will be turned over to the California Department of Justice's  
Special Prosecutions Section within the Criminal Law Division for  
independent review. More information on the California Department of  
Justice's roles and responsibilities under AB 1506 is available at:  
<https://oag.ca.gov/ois-incidents>.

\*\*\*UPDATE\*\*\*

The employees involved in the deputy-involved shooting were identified as  
Deputy Eliezer Morales, Deputy Clarissa Prentice.



1                   **Immediate Cover-up by Defendant Sheriff LUNA and COUNTY**

2                   As evidenced by their own Press Release Defendant LUNA and COUNTY  
3 immediately set out to deceive the reader.

4                   1.) Defendants said, "Towns fell to the ground, got up, and advanced toward  
5 deputy personnel as the deputy-involved shooting continued."

6                   Truth of the matter, Mr. Towns was hit by Defendant Morales' first shot and  
7 disarmed when he fell (Defendant PRENTICE's body-cam footage clearly shows  
8 what looks like scissors on the ground before Mr. Towns attempts to stand). Before  
9 he could stand however, Defendant Prentice shoots him from overhead while  
10 Defendant MORALES yells for him to stop moving. MORALES then shoots him  
11 again. Mr. Towns was in a crossfire with no human way to comply with  
12 conflicting orders being given to him.

13                  2.) Defendants said, "The sharp object, later determined to be scissors, was  
14 recovered from the ground in the area where the male originally fell."

15                  The Defendant COUNTY and Sheriff meant to intentionally deceive the reader  
16 into believing that somehow Deputies MORALES and PRENTICE did not know  
17 Mr. TOWNS was unarmed when they shot him multiple times after his original  
18 fall.

19                  Deputies then failed to administer first-aid or even attempt lifesaving  
20 measures in a timely manner.

21  
22                                   **FIRST CLAIM FOR RELIEF**

23                   **Unreasonable Search and Seizure—Excessive Force & Torture**

24                                   **(42 U.S.C. § 1983) (Against All Officer Defendants)**

25                  20.   Plaintiffs repeat and re-allege each and every allegation in paragraphs  
26 1 through 19 of this Complaint with the same force and effect as if fully set forth  
27 herein.

28                  21.   Defendants, and DOES 1-10 , and each of them, joined in and carried out a



1 mutually supportive conspiracy to deprive Plaintiffs of their rights against  
2 unreasonable seizures, and due process guarantees by participating in a mutually  
3 supportive, corrupt effort to deny and violate Plaintiffs constitutional rights.

4 22. The unjustified killing deprived Mr. TOWNS of his right to be secure  
5 in his person against unreasonable searches and seizures as guaranteed to him  
6 under the Fourth Amendment to the United States Constitution and applied to state  
7 actors by the Fourteenth Amendment.

8 23. The excessive use of force by the Defendant DEPUTIES excluding  
9 Sheriff LUNA deprived the DECEDENT of his right to be secure in his person  
10 against unreasonable searches and seizures as guaranteed to DECEDENT under  
11 the Fourth Amendment to the United States Constitution and applied to state actors  
12 by the Fourteenth Amendment.

13 24. As a result, DECEDENT suffered extreme pain and suffering and  
14 eventually suffered a loss of life and of earning capacity. Plaintiffs have also been  
15 deprived of the life-long love, companionship, comfort, support, society, care, and  
16 sustenance of DECEDENT, and will continue to be so deprived for the remainder  
17 of their natural lives. Plaintiffs are also claiming funeral and burial expenses and a  
18 loss of financial support.

19 25. As a result of the conduct of the Officer Deputies, they are liable for  
20 DECEDENT's injuries, either because they were integral participants in the use of  
21 excessive force, or because they failed to intervene to prevent these violations.

22 26. This use of deadly force was excessive and unreasonable under the  
23 circumstances. Defendants' actions thus deprived DECEDENT of his right to be  
24 free from unreasonable searches and seizures under the Fourth Amendment and  
25 applied to state actors by the Fourteenth Amendment.

26 27. The conduct of the Deputy Defendants were willful, wanton,  
27 malicious, and done with reckless disregard for the rights and safety of  
28 DECEDENT and therefore warrants the imposition of exemplary and punitive

1 damages as to the Deputy Defendants.

2 28. Plaintiffs seek both survival and wrongful death damages for the  
3 violation of DECEDENT's federal and state constitutional rights and applicable  
4 laws.

5 29. Plaintiffs also seek attorney fees under this claim.

## 6 **SECOND CLAIM FOR RELIEF**

### 7 **Substantive Due Process**

#### 8 **(42 U.S.C. § 1983) (Against Defendant the Officer Defendants)**

9 30. Plaintiffs repeat and re-allege each and every allegation in paragraphs  
10 1 through 29 of this Complaint with the same force and effect as if fully set forth  
11 herein.

12 31. Plaintiffs had a cognizable interest under the Due Process Clause of  
13 the Fourteenth Amendment of the United States Constitution to be free from state  
14 actions that deprive them of life, liberty, or property in such a manner as to shock  
15 the conscience, including but not limited to, unwarranted state interference in  
16 Plaintiffs' familial relationship with their father, Mr. TOWNS.

17 32. Plaintiffs had a cognizable interest under the Due Process Clause of  
18 the Fourteenth Amendment of the United States Constitution to be free from state  
19 actions that deprive him of life, liberty, or property in such a manner as to shock  
20 the conscience, including but not limited to, unwarranted state interference in  
21 Plaintiffs' familial relationship with their father, DECEDENT.

22 33. DECEDENT had a cognizable interest under the Due Process Clause  
23 of the Fourteenth Amendment of the United States Constitution to be free from  
24 state actions that deprive him of his right to life, liberty, or property in such a  
25 manner as to shock the conscience.

26 34. As a result of the excessive force by the Deputy Defendants,  
27 DECEDENT died. Plaintiffs were thereby deprived of their constitutional right of  
28 familial relationship with DECEDENT.

1           35. The Deputy Defendants, acting under color of state law, thus violated  
2 the Fourteenth Amendment rights of Plaintiffs TOWNS, and KNOX to be free  
3 from unwarranted interference with their familial relationship with DECEDENT.

4           36. The aforementioned actions of the Defendants, along with other  
5 undiscovered conduct, shock the conscience, in that they acted with deliberate  
6 indifference to the constitutional rights of DECEDENT and Plaintiffs, and with  
7 purpose to harm unrelated to any legitimate law enforcement objective.

8           37. The Officer Defendants, acting under color of state law, thus violated  
9 the Fourteenth Amendment rights of DECEDENT and Plaintiffs.

10          38. As a direct and proximate cause of the acts of the Officer Defendants,  
11 DECEDENT experienced severe pain and suffering and lost his life and earning  
12 capacity. Plaintiffs suffered extreme and severe mental anguish and pain and have  
13 been injured in mind and body. Plaintiffs have also been deprived of the life-long  
14 love, companionship, comfort, support, society, care and sustenance of  
15 DECEDENT, and will continue to be so deprived for the remainder of their natural  
16 lives. Plaintiffs are also claiming funeral and burial expenses and a loss of financial  
17 support.

18          39. As a result of the conduct of the Deputy Defendants, they are liable  
19 for DECEDENT'S injuries, either because they were integral participants in the  
20 denial of due process, or because they failed to intervene to prevent these  
21 violations.

22          40. The conduct of the Deputy Defendants was willful, wanton,  
23 malicious, and done with reckless disregard for the rights and safety of  
24 DECEDENT and Plaintiffs and therefore warrants the imposition of exemplary and  
25 punitive damages as to the Deputy Defendants.

26          41. Plaintiffs bring this claim individually and as successors-in-interest to  
27 DECEDENT, and seek both survival and wrongful death damages for the violation  
28 of both Plaintiffs' and DECEDENT's rights.

1           42. Plaintiffs also seek attorney fees under this claim.

2  
3                           **FOURTH CLAIM FOR RELIEF**

4                           ***Monell Allegations***

5                           **Municipal Liability for Unconstitutional Custom or Policy**  
6                           **(42 U.S.C. § 1983) (Against LUNA, DOES 1-10 and COUNTY)**

7           43. Plaintiffs repeat and re-allege each and every allegation in paragraphs  
8 1 through 42 of this Complaint with the same force and effect as if fully set forth  
9 herein.

10                           **LASD Deputy Gangs**

11           Members of a specific group often have a shared “ink” that symbolizes their  
12 membership. In some instances, according to reports, this ink is only granted after  
13 a deputy commits an illegal act or violates department protocol to show their  
14 loyalty to the group. In other cases, deputies allegedly receive additional markings  
15 after fulfilling certain conditions, like committing police brutality or being  
16 **involved in a shooting.**

17           44. The Defendant DEPUTIES executed Charles TOWNS and deprived  
18 him of his right to be judged by a jury of his peers. Defendants VILLANUEVA  
19 and COUNTY have nourished and cultivated a gangland culture at the Los  
20 Angeles Sheriffs Department where deputies are auditioning to be members of  
21 well-know Deputy gangs such as "The Banditos" and the "Executioners" where  
22 actually executing someone on duty fulfill the initiation. Defendant  
23 VILLANUEVA has thwarted investigations into the gangs, protected the members  
24 and denied their existence.

25           45. As customary with the Los Angeles Sheriff's Department, Defendant  
26 COUNTY, Sheriff LUNA and former Sheriff Alex VILLANUEVA do not  
27 discipline for the use of excessive force on people of color. To further aid deputy  
28 malfeasance, the COUNTY, and Sheriff LUNA has condoned and ratified policies

1 that allow officers involved in critical incidents to view patrol camera footage  
2 before making a statement.

3 46. For some time prior to January 22, 2023 (and continuing to the  
4 present date) the individual DEPUTY Defendants, deprived Plaintiffs and  
5 DECEDENT of the rights and liberties secured to them by the Fourth and  
6 Fourteenth Amendments to the United States Constitution, in that, said defendants  
7 and their supervising and managerial employees, agents, and representatives,  
8 acting with gross negligence and with reckless and deliberate indifference to the  
9 rights and liberties of the public in general, and of Plaintiffs and DECEDENT, and  
10 of persons in their class, situation and comparable position in particular, knowingly  
11 maintained, enforced and applied an official recognized custom, policy, and  
12 practice of:

13 (a) Employing and retaining as police officers and other personnel, including  
14 the DEPUTY Defendants, DOES 1- 10, at all times material herein knew or  
15 reasonably should have known had dangerous propensities for abusing their  
16 authority and for mistreating citizens by failing to follow written COUNTY police  
17 department's policies, including the use of excessive force;

18 (b) Of inadequately supervising, training, controlling, assigning, and  
19 disciplining COUNTY officers, and other personnel, including the deputy  
20 Defendants, who Defendant COUNTY knew or in the exercise of reasonable care  
21 should have known had the aforementioned propensities and character traits,  
22 including the propensity for violence and the use of excessive force;

23 (c) By maintaining grossly inadequate procedures for reporting, supervising,  
24 investigating, reviewing, disciplining and controlling the intentional misconduct by  
25 Defendant the Officer Defendants, who are police officers of COUNTY;

26 (d) By failing to discipline COUNTY officers' conduct, including but not  
27 limited to, excessive force;

28 (e) By ratifying the intentional misconduct of Defendants, who are officers

1 of COUNTY;

2 (f) By having and maintaining an unconstitutional policy, custom, and  
3 practice of using excessive force, including deadly force, which also is  
4 demonstrated by inadequate training regarding these subjects. The policies,  
5 customs, and practices of DOES 1- 10, were done with a deliberate indifference to  
6 individuals' safety and rights; and

7 (g) By failing to properly investigate claims of unlawful detention and  
8 excessive force by COUNTY deputies.

9 47. The Los Angeles Sheriff's Department has a pattern and practice of  
10 using excessive or deadly force on young men of color. As recent as August 2022,  
11 Los Angeles Sheriff's deputies pulled over three unarmed Black teenagers on  
12 Rosecrans Ave. including JAYSHAWN ALLEN and two minors, for joyriding.  
13 (Case #22-cv-09475-KS) . The criminal charges were dismissed and Mr. Allen and  
14 the teens initiated a lawsuit because the officers used deadly force on them for no  
15 reason whatsoever.

16 48. Top brass at the LASD have a long history of refusing to discipline  
17 deputies for excessive force on people of color and stonewalling and/ or failing to  
18 cooperate with investigations into allegations of excessive force, specifically but  
19 not limited to Defendant sheriff LUNA and former Sheriff VILLANUEVA and  
20 inquiries by local and federal investigators into deputy gangs including but not  
21 limited to "Banditos" and "*Executioners*"

22 49. Defendants, together with various other officials, whether named or  
23 unnamed, had either actual or constructive knowledge of the deficient policies,  
24 practices and customs alleged in the paragraphs above. Despite having knowledge  
25 as stated above these defendants condoned, tolerated and through actions and  
26 inactions thereby ratified such policies. Said defendants also acted with deliberate  
27 indifference to the foreseeable effects and consequences of these policies with  
28 respect to the constitutional rights of DECEDENT, Plaintiffs, and other individuals

1 similarly situated.

2 50. By perpetrating, sanctioning, tolerating and ratifying the outrageous  
3 conduct and other wrongful acts, Defendant LUNA, acted with an intentional,  
4 reckless, and callous disregard for the life of DECEDENT, and Plaintiffs'  
5 constitutional rights. Defendant LUNA, each of their actions were willful, wanton,  
6 oppressive, malicious, fraudulent, and extremely offensive and unconscionable to  
7 any person of normal sensibilities.

8 51. Furthermore, the policies, practices, and customs implemented and  
9 maintained and still tolerated by the COUNTY, and Defendant LUNA and  
10 unknown Defendants were affirmatively linked to and were a significantly  
11 influential force behind the injuries of DECEDENT and Plaintiffs.

12 52. By reason of the aforementioned acts and omissions of Defendants  
13 DOES 1-10, Plaintiffs have suffered loss of love, companionship, affection,  
14 comfort, care, society, and future support. Accordingly, Defendants DOES 1-10,  
15 each are liable to Plaintiffs for compensatory damages under 42 U.S.C. § 1983.

16 53. By reason of the aforementioned policies and practices of Defendants,  
17 DECEDENT was severely injured and subjected to pain and suffering and lost his  
18 life. Plaintiffs seek wrongful death and survival damages under this claim.

19  
20 **FIFTH CAUSE OF ACTION**  
21 **CONSPIRACY**  
22 **(Per 42 U.S.C. Section 1985)**

23 54. Plaintiffs repeat and re-allege each and every allegation in paragraphs  
24 1 through 53 of this Complaint with the same force and effect as if fully set forth  
25 herein.

26 55. Defendants, together with other unknown co-conspirators, including  
27 police supervisory, and command personnel, together reached an understanding,  
28 engaged and continue to engage in a course of conduct, and otherwise jointly acted  
and conspired among and between themselves to commit unconstitutional overt



1 acts, including the excessive use of force. Defendants issued a deceptive Press  
2 Release immediately.

3 56. Because the conspiracy or conspiracies and the overt actions in  
4 furtherance thereof were done and continue to be done with the knowledge and  
5 purpose of depriving DECEDENT, who is African American, and numerous  
6 other African- American victims of the equal protection of the laws and equal  
7 privilege and immunities under the law, and with racial animus toward the  
8 Plaintiff and the other victims of this racially motivated conspiracy, the  
9 Defendants also deprived Plaintiff of his right to equal protection of the laws  
10 under the Fourteenth Amendment, and 42 U.S.C. § 1985.

11 57. Defendants together with other as yet unnamed Doe co-conspirators,  
12 knowing that the above § 1985 conspiracy to deprive African-Americans of their  
13 rights, and having the power, authority and duty to prevent or aid in preventing  
14 the commission of the acts in furtherance of the conspiracy, neglected and refused  
15 to do so, in violation of 42 U.S.C. § 1986.

16 58. As a direct and proximate result of the foregoing, DECEDENT  
17 sustained injury and damage as alleged above.

18  
19 **SIXTH CLAIM FOR RELIEF**  
20 **Battery (Wrongful Death)**  
21 **(Cal. Govt. Code § 820 and California Common Law)**  
22 **(Against the Officer Defendants and COUNTY)**

23 59. Plaintiffs repeat and re-allege each and every allegation in paragraphs  
24 1 through 76 of this Complaint with the same force and effect as if fully set forth  
25 herein.

26 60. Defendant Deputies MORALES and PRENTICE, while working as  
27 deputy sheriffs for the LASD, and acting within the course and scope of their  
28 employment with the COUNTY, intentionally shot DECEDENT multiple times,

1 while DECEDENT was on the ground complying with order and again when  
2 he attempted to run for his life, thereby using unreasonable and excessive force  
3 against him. At the time of the shots, DECEDENT **disarmed** and did not pose an  
4 immediate threat of death or serious bodily injury to anyone.

5 61. As a result of the actions of Defendant Deputies MORALES and  
6 PRENTICE and DOE OFFICERS, DECEDENT suffered severe pain and suffering  
7 and visibly died painfully from his injuries. Defendant Deputies MORALES and  
8 PRENTICE and DOE OFFICERS had no legal justification for using and  
9 maintaining the use of deadly force against the unarmed DECEDENT, and their  
10 use of force while carrying out their duties as officers for the COUNTY was an  
11 unreasonable and non-privileged use of force.

12 62. As a result of their misconduct, Defendant Deputies MORALES and  
13 PRENTICE and DOE DEFENDANTS are liable for DECEDENT's injuries, either  
14 because they were integral participants in the shooting, or because they failed to  
15 intervene to prevent these violations.

16 63. As a direct and proximate result of the conduct of Defendant Deputies  
17 MORALES and PRENTICE and DOE OFFICERS as alleged above, DECEDENT  
18 sustained injuries, endured pain and suffering, eventually died from his injuries,  
19 and also lost his earning capacity.

20 64. The COUNTY is vicariously liable for the wrongful acts of  
21 Defendants Deputies MORALES and PRENTICE and DOE OFFICERS pursuant  
22 to section 815.2(a) of the California Government Code, which provides that a  
23 public entity is liable for the injuries caused by its employees within the scope of  
24 the employment if the employee's act would subject him or her to liability.

25 65. The conduct of Defendant Deputies MORALES and PRENTICE and  
26 DOE DEPUTIES was malicious, wanton, oppressive, and accomplished with a  
27 conscious disregard for the rights of Plaintiffs and DECEDENT, entitling  
28 Plaintiffs, individually and as a successor-in- interest to DECEDENT, to an award

1 of exemplary and punitive damages as to DOE OFFICERS.

2 66. Plaintiff brings her claim individually and as a successor in interest to  
3 DECEDENT, and seeks both survival and wrongful death damages under this  
4 claim. Plaintiffs also seek attorney's fees under this claim.

5 **SEVENTH CLAIM FOR RELIEF**

6 **Negligence (Wrongful Death)**

7 **(Cal. Govt. Code § 820 and California Common Law)**

8 67. Plaintiffs repeat and re-allege each and every allegation in paragraphs  
9 1 through 84 of this Complaint with the same force and effect as if fully set forth  
10 herein.

11 68. The actions and inactions of the Defendants, were negligent and  
12 reckless, including but not limited to:

13 (a) the failure to properly and adequately assess the need to detain, arrest,  
14 and use force or deadly force against DECEDENT;

15 (b) the negligent tactics and handling of the situation with DECEDENT,  
16 including the use of the electrical control device negligence;

17 (c) the negligent detention, arrest, and use of force, including deadly force,  
18 against DECEDENT;

19 (d) the failure to provide prompt medical care to DECEDENT;

20 (e) the negligent handling of evidence and witnesses.

21 69. Responsible supervisors failed to discipline officers found to be in  
22 violation of using excessive force and therefore emboldening them  
23 to use excessive force again in the future.

24 70. LUNA and unknown responsible supervisors failed to train,  
25 discipline or fire them. Their participation was one of several causal links that led  
26 to the death of Charles TOWNS.

27 71. As a direct and proximate result of defendants' conduct as alleged  
28 above, and other undiscovered negligent conduct, DECEDENT was caused to

1 suffer severe pain and suffering and ultimately died and lost earning  
 2 capacity. Also as a direct and proximate result of defendants' conduct as alleged  
 3 above, Plaintiffs suffered extreme and severe mental anguish and pain and have  
 4 been injured in mind and body. Plaintiffs also have been deprived of the life-long  
 5 love, companionship, comfort, support, society, care and sustenance of  
 6 DECEDENT, and will continue to be so deprived for the remainder of their natural  
 7 lives. Plaintiffs also are claiming funeral and burial expenses and a loss of financial  
 8 support.

9 72. COUNTY is vicariously liable for the wrongful acts of the Officer  
 10 Defendants pursuant to section 815.2 of the California Government Code, which  
 11 provides that a public entity is liable for the injuries caused by its employees  
 12 within the scope of the employment if the employee's act would subject him or her  
 13 to liability.

14 73. Plaintiffs bring this claim as a successors-in-interest to DECEDENT,  
 15 and seek wrongful death damages.

16 74. Plaintiffs are seeking wrongful death damages under this claim.  
 17

## 18 **EIGHTH CAUSE OF ACTION**

19 (Violation of the *BANE* Act Cal. Civil Code § 52.1)

20 (By All Plaintiffs against all Defendants)

21 75. Plaintiffs repeat and re-allege each and every allegation in  
 22 paragraphs 1 through 74 of this Complaint with the same force and effect as if  
 23 fully set forth herein.  
 24

25 76. California Civil Code, Section 52.1 (the *Bane* Act), prohibits any  
 26 person from using violent acts or threatening to commit violent acts in retaliation  
 27 against another person for exercising that person's constitutional rights.

28 77. On information and belief, Defendant Officers and DOE OFFICERS,  
 inclusive, while working for the COUNTY and acting within the course and scope

1 of their duties, intentionally committed and attempted to commit acts of violence  
2 against DECEDENT, including by shooting him multiple times without  
3 justification or excuse, by integrally participating and failing to intervene in the  
4 above violence, and by denying him necessary medical care.

5 78. When Defendants repeatedly shot Mr. TOWNS while his was  
6 unarmed, they interfered with TOWNS' civil rights to be free from unreasonable  
7 searches and seizures, to due process, to equal protection of the laws, to medical  
8 care, to be free from state actions that shock the conscience, and to life, liberty, and  
9 property.

10 79. On information and belief, Defendants intentionally and spitefully  
11 committed the above acts to discourage DECEDENT from exercising his civil  
12 rights, to retaliate against him for invoking such rights, or to prevent him from  
13 exercising such rights, which he was fully entitled to enjoy.

14 80. On information and belief, DECEDENT reasonably believed and  
15 understood that the violent acts committed by Defendants, inclusive were intended  
16 to discourage him from exercising the above civil rights, to retaliate against him  
17 for invoking such rights, or to prevent him from exercising such rights.

18 81. Defendants thus successfully interfered with the above civil rights of  
19 DECEDENT and Plaintiffs.

20 82. The conduct of Defendants was a substantial factor in causing  
21 Plaintiffs' harms, losses, injuries, and damages.

22 83. COUNTY is vicariously liable for the wrongful acts of Defendants  
23 and DOE OFFICERS, inclusive, pursuant to section 815.2(a) of the California  
24 Government Code, which provides that a public entity is liable for the injuries  
25 caused by its employees within the scope of the employment if the employee's act  
26 would subject him or her to liability.

27 84. The conduct of Defendants was malicious, wanton, oppressive, and  
28 accomplished with a conscious disregard for DECEDENT's and Plaintiffs' rights,

1 justifying an award of exemplary and punitive damages as to the individual  
2 responding Defendants and DOE OFFICERS.

3 85. Plaintiffs bring this claim as DECEDENT's successors-in-interest as  
4 defined in Section 377.11 of the California Code of Civil Procedure and seek  
5 survival damages for the violation of DECEDENT's rights. Plaintiffs also seek  
6 attorney's fees.

### 7 **NINTH CAUSE OF ACTION**

#### 8 **"TORTS-IN-ESSENCE"**

#### 9 **(Against Individual Defendant OFFICERS excluding LUNA)**

10 86. Plaintiffs restate and incorporate by reference, as though fully set  
11 forth herein, the allegations contained in all paragraphs above. Pursuant to CA  
12 Gov. Code Section 815.6, which creates a private right of action for the alleged  
13 breaches of the various penal code sections listed in this Complaint, the officers  
14 Defendants and each of them, owed to Plaintiffs non-consensual duties, and  
15 Plaintiffs hereby set forth that the individual Officer Defendants violated the  
16 following California Penal Code Sections: 187 (**Murder**), 149 (felonious excessive  
17 force by a peace officer), 240 (assault), and 242 (battery)

### 18 **PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiffs pray, and request entry of judgment in their favor  
20 and against Defendants, as follows:

21 87. For compensatory damages, including both survival damages and  
22 wrongful death damages under federal and state law, in the amount to be  
23 proven at trial;

24 88. For funeral and burial expenses, and loss of financial support;

25 89. For punitive damages against the individual defendants in an amount  
26 to be proven at trial;

27 90. For interest;

28 91. For reasonable costs of this suit and attorneys' fees; and

92. For such further other relief as the Court may deem just, proper, and

1 appropriate.

2  
3 DATED: 3/3/23

LAW OFFICES OF CAREE HARPER

4 /S/ Caree Harper

5 Attorneys for PLAINTIFFS

6  
7 **DEMAND FOR JURY TRIAL**

8  
9 All Plaintiffs demand a jury trial.

10 LAW OFFICES OF CAREE HARPER

11  
12 /S/ Caree Harper

13 Attorneys for PLAINTIFFS